

## Bureau of Indian Affairs, Interior

## § 125.3

(b) *Periodic deposits.* (1) In some circumstances, collection from Withdrawn Lands will be in such small amounts and such frequency as to be administratively burdensome to make individual deposits to the fund, or collections may be mixed with collections to be credited to other funds. In such instances depositing agencies may initially deposit the collections to their own suspense accounts. Such deposits will then be transferred to Fund 14X6140 no less frequently than monthly. The "Pay to" side of the SF 1081 will be completed as follows:

Department, Interior.  
Bureau, Indian Affairs.  
Agency Station Symbol, 14-20-0650.  
Address, Albuquerque, NM 87103.  
Appropriation or Fund Symbol, 14X6140.

and will be supported by sufficient detail to permit future identification by depositing agency. An advance copy of the SF 1081, with supporting documentation will be forwarded to the BIA at Albuquerque immediately.

(2) Agencies not using the SF 1081 procedures will issue a check made payable to the Treasurer of the United States, and forward it to:

Juneau Area Office, Bureau of Indian Affairs,  
P.O. Box 8000—B, Juneau, Alaska 99802.

accompanied by a listing in sufficient detail to permit the collecting agency to identify the collections with each parcel of land at the time distribution of the funds is to be made.

### § 124.3 Proceeds received by the State of Alaska.

The State agency responsible for making collections will deposit the proceeds to the credit of the State of Alaska. A check will then be issued, payable to the Treasurer of the United States, and will be forwarded to the Juneau Area Office, Bureau of Indian Affairs, accompanied by a detailed listing providing information which will permit identification of the funds with each particular parcel of land at the time distribution of the funds is to be made. The Juneau Area Office will deposit all such receipts to the credit of Fund Symbol 14X6140, forwarding the memorandum copy to the Branch of Finance and Accounting immediately, to-

gether with a copy of the detail provided by the State of Alaska.

## PART 125—PAYMENT OF SIOUX BENEFITS

Sec.

- 125.1 Scope.
- 125.2 Purpose.
- 125.3 Definitions.
- 125.4 Eligibility.
- 125.5 Application procedure.
- 125.6 Administration.
- 125.7 Information collection.

AUTHORITY: Act of March 2, 1889, c. 405, sec. 17, 25 Stat. 888, 895; Act of June 10, 1896, c. 398, 29 Stat. 321, 334; Act of May 21, 1928, c. 662, 45 Stat. 984; Act of June 18, 1934, c. 576, § 14, 48 Stat. 987, 25 U.S.C. 474.

SOURCE: 46 FR 36136, July 14, 1981, unless otherwise noted. Redesignated at 47 FR 13327, Mar. 30, 1982.

### § 125.1 Scope.

The regulations in this part govern the payment of "Sioux benefits" to allotted Sioux Indians under the Act of March 2, 1889, c. 405, § 17, 25 Stat. 888, 895; the Act of June 10, 1896, c. 398, 29 Stat. 321, 334; and the Act of May 21, 1928, c. 662, 45 Stat. 984; and to unallotted Sioux Indians on the Cheyenne River Indian Reservation under the Act of June 18, 1934, c. 576, § 14, 48 Stat. 987, 25 U.S.C. 474.

### § 125.2 Purpose.

The purpose of these regulations is to implement the provisions of federal statutes which provide for the payment of "Sioux benefits" to Sioux Indians by setting forth the criteria governing eligibility for and entitlement to "Sioux benefits" and by establishing procedures governing application for and payment of "Sioux benefits."

### § 125.3 Definitions.

As used in this part, the term—

(a) *Area Director* means the Area Director, Aberdeen Area Office, BIA, or his/her delegate.

(b) *Bureau* or *BIA* means the Bureau of Indian Affairs, Department of the Interior.

(c) *Commissioner* means the Commissioner of Indian Affairs, BIA, or his/her delegate.

## § 125.4

## 25 CFR Ch. I (4–1–02 Edition)

(d) *Sioux benefits* means the allotment of stock and farming equipment plus \$50.00 cash as provided for by the Act of March 2, 1889, c. 405, §17, 25 Stat. 888, 895, or its commuted cash value as provided in the Act of June 10, 1896, c. 398, 29 Stat. 321, 334.

(e) *Sioux Indian* means a member of any of the bands or tribes comprising the Sioux Nation of Indians to which the Act of March 2, 1889, c. 405, 25 Stat. 888, applied.

(f) *Single person* includes all unmarried persons (other than an unmarried person under the age of eighteen years) and any person who is legally separated, divorced, or widowed.

(g) *Head of a family* means only:

(1) A married person who meets the requirements of §125.4(c)(1) or (2) (if living with his/her spouse) or §125.4(c)(3) (if not living with his/her spouse), and

(2) An unmarried person under the age of eighteen years who meets the requirements of §125.4(c)(3).

(h) For the purpose of determining family support under §§125.4(c)(2) and 125.4(c)(3), *family* means two or more persons (including the applicant) related by blood, through marriage, or by adoption to the applicant and who live together in the same household and are dependent upon the applicant for all or part of their support.

### § 125.4 Eligibility.

(a) *Allotted Sioux Indians*. The eligibility of allotted Sioux Indians for Sioux benefits is governed by the Act of March 2, 1889, c. 405, §17, 25 Stat. 888, 895; the Act of June 10, 1896, c. 398, 29 Stat. 321, 334; and the Act of May 21, 1928, c. 662, 45 Stat. 984. The Act of June 18, 1934, c. 576 §14, 48 Stat. 987, 25 U.S.C. 474, is inapplicable to any Sioux Indian to whom an allotment of land has been made under the provisions of the Act of May 29, 1908, c. 216, §19, 35 Stat. 444, 451, or any prior Federal statute. Under the applicable statutes, an allotted Sioux Indian is eligible for Sioux benefits if—

(1) He/she received a valid allotment of land under the provisions of the Act of May 29, 1908, c. 216, §19, 35 Stat. 444, 451, or any prior Federal statute (regardless of whether such allotment is still held by the applicant);

(2) He/she is either a single person over the age of eighteen (18) years or a head of a family (as provided in §125.4(c));

(3) He/she has duly made application for Sioux benefits, and such application has been approved during his/her lifetime (as provided in §125.5); and

(4) He/she has not previously been paid Sioux benefits in his/her own right (as provided in §125.4(d)).

(b) *Unallotted Sioux Indians*. The Act of June 18, 1934, c. 576, §14, 48 Stat. 987, 25 U.S.C. 474, applies only to Sioux Indians who, but for the provisions of section 1 of that Act, 25 U.S.C. 461, would have been eligible for an allotment of land under the provisions of the Act of May 29, 1908, c. 216, §19, 35 Stat. 444, 451, or any prior Federal statute, and have not, in fact, been allotted lands under the provisions of such Federal statutes. That Act has current application only to unallotted members of the Cheyenne River Sioux Tribe because of the proviso that the payment of Sioux benefits under that Act would continue only until such time as the lands available for allotment on each reservation as of June 18, 1934, would have been exhausted by the allotment of eighty (80) acres of land to each person receiving Sioux benefits under that Act. Under this statute a member of the Cheyenne River Sioux Tribe is eligible for Sioux benefits if—

(1) He/she would be eligible, but for the provisions of the Act of June 18, 1934, c. 576, §1, 48 Stat. 984, 25 U.S.C. 461, for an allotment of land under the provisions of the Act of May 29, 1908, c. 216, §19, 35 Stat. 444, 451, or any prior Federal statute, and has not been allotted lands under the provisions of such Federal statutes;

(2) He/she is either a single person over the age of eighteen (18) years or a head of a family (as provided in §125.4(c));

(3) He/she has duly made application for Sioux benefits and such application has been approved during his/her lifetime (as provided in §125.5);

(4) He/she has not previously been paid Sioux benefits in his/her own right (as provided in §125.4(d)); and

(5) The hypothetical allotment of 80 acres of tribal land to the applicant would not exhaust the lands available